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Remarks

Claims 1-5 and 7-29 are pending in this Application. No claims are currently amended, cancelled or added. Thus, claims 1-5 and 7-29 remain subject to continued examination.

Anticipation / Obviousness Rejections

Claims 1-5 and 7-29 stand rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Groitzsch et al. (US 6,448,462 B2). The Examiner has considered Applicants' argument that the fabric of Groitzsch does not possess Applicants' claimed bending ratio because the instant invention is subjected to both a water jet treatment and an air jet treatment. However, it is the Examiner's position that the fabric of Groitzsch would inherently have Applicants' claimed property because Groitzsch discloses a treatment combining stretch and water jet impingement for the express purpose of reducing the stiffness of the fabric.

Applicants respectfully note that MPEP § 2112 specifically states that "the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact

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that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

It is the position of the Applicants that Groitzsch et al. do not teach the claimed limitation of a fabric having a fabric weight-to-Bending Stiffness ratio (as measured according to the Kawabata Pure Bending Tester (KES FB2)) of about 205 or greater. Applicants submit that Tables 1A and 1B found on page 15 of the specification corroborates our assertion that the present nonwoven fabric clearly exhibits far superior flexibility and drape than the untreated fabric disclosed in the Groitzsch reference. Applicants wish to reiterate that the untreated nonwoven fabric used in the Examples section of the present patent application was obtained from Firma Carl Freudenberg, the same assignee as the Groitzsch reference. All examples utilized spun-bonded nonwoven fabric comprised of continuous multi-component splittable fibers which had been exposed to the process of hydro-entanglement with high-pressure water, according to processes described in the two Freudenberg patents incorporated by reference (US 5,899,785 and US 5,970,583). (See Page 9, last paragraph, of the specification.) This is the same treatment used in the Groitzsch reference. The additional inventive air impingement treatment of the current application provides a clearly improved product.

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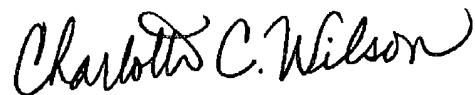
Conclusion:

In light of the fact that the claimed characteristics have not been established to necessarily be present in the cited art, it is respectfully submitted that the outstanding grounds for rejection are insufficient and that all claims are thus presently in condition for allowance. Accordingly, an action to that effect is earnestly solicited.

Should any issues remain after consideration of this Response, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be resolved in an expedient manner.

To any extent required, a request for extension of time is hereby made. In the event that there are any fees (including extension of time fees) associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw such fees from Deposit Account No. 04-0500.

Respectfully submitted,



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